

SB-2235-C

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8 UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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10 In re: } Case No. 24-17073 (JNP)
11 JOHN J. ZAPPILE, JR. } Chapter 13
12
13 }
14 } RESPONSE IN OPPOSITION TO DEBTOR'S
15 } MOTION TO REINSTATE THE AUTOMATIC
16 } STAY

17 Santander Consumer USA Inc. dba Chrysler Capital ("Chrysler Capital"), a creditor of
18 the Debtor, objects to the Debtor's Motion To Reinstate The Automatic Stay for the
19 following reasons:

20 A. Chrysler Capital is the holder of a first purchase money security interest in personal
21 property described as a **2020 Jeep Wrangler** bearing vehicle identification number
22 1C4HJXFG5LW239736.

23 B. The Order For Stay Relief was entered on May 6, 2025. The Debtor has not made a
24 payment on the account since that time. The Debtor's account with Chrysler Capital
25 is past due post-petition from August 2024 through July 2025, with arrears in the
26 amount of \$9,613.32. The account is past due contractually in the amount of
27 \$15,839.84.

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1 C. The amended Plan filed by the Debtor appears to attempt to pay the entire claim for
2 the vehicle through the Plan. The Debtor's account with the Chapter 13 Trustee is
3 delinquent in the amount of \$16,800.00 through July 2025, which is the equivalent of
4 four (4) monthly payments. In addition, the amount listed is less than the amount of
5 pre-petition arrears, and much less than the current payoff of \$31,431.55. The
6 amended Plan proposed amended Plan appears to cure post-petition arrears on the
7 Debtor's other vehicle, in addition to this vehicle, yet only proposes to increase the
8 monthly payment to the Trustee by \$500.00.
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10 D. This is the Debtor's 3rd Bankruptcy filing within the past 3 years, with the previous 2
11 cases dismissing within 4 months of being filed.
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13 E. The Debtor's Motion is in essence, a Motion To Reconsider. This Court should only
14 grant a motion to reconsider if the moving party shows either: (1) an intervening change in
15 the controlling law; (2) the existence of new evidence that was not available when the
16 court issued its order; or (3) the need to correct a clear error of law or fact or to prevent
17 manifest injustice. It does not appear from the pleadings that any of these 3 criteria are
18 met in the instant case.
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22 For the foregoing reasons, Chrysler Capital respectfully requests that the Debtor's
23 Motion To Reinstate The Automatic Stay be DENIED.

/s/ William E. Craig
William E. Craig, attorney
for Santander Consumer USA Inc.
dba Chrysler Capital

Date: 7/28/25